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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAISUKE SUZUKI, TATSUYA UCHIKAWA,
HIROYUKI KIUCHI, MITSUTAKA SHIRAISHI,
TAKAO ITO, and RYUJI MATSUO

Appeal 2009-010100
Application 10/623,568
Technology Center 2600

Before ALLEN R. MacDONALD, ROBERT E. NAPPI and
CARLA M. KRIVAK, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Introduction

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1-4, 22, 24, 27, 29, claims 9, 10, 12, and 17-21 to the extent they depend from claim 1, and claims 40, 41, 43, and 45-49 to the extent they depend from claim 22. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary independent claim 1 under appeal reads as follows:

Claim 1. An inputting device, which is disposed in an opening of a cabinet surface, comprising:

an elastic sheet having an outside surface disposed on an inside surface of said cabinet including said opening and across said opening;

a sliding key that is fixed on the outside surface of said elastic sheet with at least a portion in said opening of said cabinet surface; and

sensors that at least detect movement in a horizontal direction that is substantially parallel to said cabinet surface, of said sliding key.

*Examiner's Rejections*²

1. The Examiner rejected claims 1-4 and 17/1 under 35 U.S.C. § 102(b) as being anticipated by Ikehara (US 6,400,353 B1).

2. The Examiner rejected claims 12/1, 19/1, and 21/1, as being unpatentable under 35 U.S.C. § 103(a) over Ikehara.

3. The Examiner rejected dependent claim 9/1, 10/9/1, 18/1, 20/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22, and 45/22-49/22, as being unpatentable under 35 U.S.C. § 103(a) over the combination of Ikehara and Takatsuka (US 2004/0080491 A1).

² Separate patentability is not argued for the claims rejected under 103(a).

Appellants' Contentions

1. At page 11 of the Appeal Brief, Appellants contend that the Examiner erred in rejecting claim 1 because Ikehara's sliding key is not "fixed on the outside surface of said elastic sheet" as required by claim 1. Particularly, Appellants argue that "with reference to FIG. 3 . . . , Ikehara clearly discloses that the operation electrode 10 and the coupling pin 15a are detached."

2. At page 13 of the Appeal Brief, Appellants contend that the Examiner erred in rejecting claim 1 because Ikehara does not teach "at least a portion in said opening" as required by claim 1.

Issue on Appeal

Whether the Examiner has erred in rejecting claim 1 as being anticipated because Ikehara's operation electrode 10 and the coupling pin 15a are detached and Ikehara does not teach "at least a portion in said opening"?

ANALYSIS

We have reviewed the Examiners' rejections in light of Appellants' argument that the Examiner has erred.

We disagree with Appellants' conclusion. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. We concur with the conclusion reached by the Examiner.

Additionally, with respect to Appellants' first contention, Appellants' reliance solely on Figure 3 of Ikehara is misplaced. It is well established

that patent drawings are not working drawings. *In re Wilson*, 312 F.2d 449, 454 (CCPA 1963). Further, Appellants' arguments ignore Ikehara's Specification which states:

A coupling pin 15a projected from the center portion is engaged with the center of the operation electrode 10.

The terms "coupling" and "engaged" are respectively defined as "something that unites or connects" and "meshed".³ Given Ikehara's explicit description of the relationship between coupling pin 15a and operation electrode 10, we do not agree that the coupling pin 15a and the operation electrode 10 are "detached" as argued by Appellants.

CONCLUSIONS

- (1) The Examiner has not erred in rejecting claims 1-4 and 9/1, 10/9/1, 12/1, 17/1-21/1, 20/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22, and 45/22-49/22.
- (2) Claims 1-4 and 9/1, 10/9/1, 12/1, 17/1-21/1, 20/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22, and 45/22-49/22 are not patentable.

DECISION

The Examiner's rejections are affirmed.

³ WEBSTER'S II New Riverside University Dictionary; 1988.

Appeal 2009-010100
Application 10/623,568

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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